

Ogden River

BEFORE THE DIVISION OF WATER RIGHTS

<p>In The Matter Of:</p> <p>North Slaterville Irrigation Company</p> <p>RESPONDENT</p>	<p>MEASURING DEVICE NOTICE</p> <p>SEAA No. 1298 DISTRIBUTION ACCOUNTS: 101470 WATER RIGHTS: 35-7014</p>
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I. AUTHORITY

The Division of Water Rights ("Division") issues this Notice under UTAH CODE ANN. § 73-5-4 (2008), and in accordance with UTAH ADMIN. CODE R. 655-15 (2008).

U.C.A. § 73-5-4 states in part :

(1) To assist the state engineer or water commissioner in the regulation, distribution, and measurement of water, a person using water in this state, ... shall construct or install and maintain controlling works and a measuring device at:

- (a) each location where water is diverted from a source; and*
- (b) any other location required by the state engineer.*

(2) A person using water in this state shall make the controlling works and measuring device accessible to the state engineer or water commissioner.

(3) The state engineer shall approve the design of:

- (a) the measuring device; and*
- (b) controlling works so that the state engineer or a water commissioner may regulate and lock the works. ...*

(6) If a water user refuses or neglects to construct or install the controlling works or measuring device after 30 days' notice to do so by the state engineer, the state engineer may:

- (a) forbid the use of water until the user complies with the state engineer's requirement; and*
- (b) commence enforcement proceedings authorized by Section 73-2-25.*

SCANNED

II. STATEMENT OF FACTS

1. The Respondent diverts water from the Ogden River into the North Slaterville Ditch.
2. Water in the ditch is measured at a weir (measuring device) located at or near the point South 600 feet and West 920 feet from the E4 corner of section 13, township 6N range 2W, SL b&m.
3. The existing weir structure, based on an inspection, is not a standard weir section and must be upgraded to a standard rectangular weir or other suitable weir section that will enable the accurate measurement of the water flow in the ditch.
4. The measurement of the water diverted by the Respondent is not available to the commissioner who regulates and reports water deliveries on the river system because the measuring device is not functioning properly.
5. The river commissioner must have reasonable access to the measuring device whenever needed by him to regulate and report water deliveries.

III. ACTIONS REQUIRED

1. A measuring device must be installed to enable the commissioner to obtain reliable measurements of the water deliveries into the company ditch.
2. Upon inspection it was observed that the site is very suitable for a rectangular sharp-crested weir. It is recommended to install a rectangular weir constructed with a steel weir plate and be designed (height and crest length) to measure the water flow within the range of flow normally delivered in the ditch. If the weir is selected, it must have a sharp (1-2 mm edge width) crest and inside side edges that are beveled on only the downstream face so that the upstream face is flush with the upstream surface of the weir. It must be installed so that the crest is level and sides are vertical. A staff gage must also be installed to enable the measurement of the depth of water as a height above the level of the weir crest (which must be level) and at a distance upstream from the weir face of four times the normal maximum depth of water above the weir crest. The height of the weir crest above the channel bottom must be at least twice the maximum height of water above the weir crest and not less than one-foot height in order to measure the flow accurately. Based on the geometry of the weir it is recommended that the weir plate sides also extend a minimum of 1-foot (width) on the sides of the structure to help standardize the control section and help eliminate interference. Sediment must be cleared away from the front of the weir as needed (usually once per year) in order to maintain the required weir height above the channel bottom.
3. The required work must be completed before April 15, 2009.

IV. ADDITIONAL AGENCY ACTION

1. The Respondent is encouraged to diligently attend to the work required by this Notice. If the work is satisfactorily completed in a timely manner, the Division will conclude this agency action.
2. If the work is not satisfactorily completed in a timely manner, the Division may issue an Order forbidding the use of water until the Respondent has complied, or may commence an enforcement action as allowed under Utah Code Ann. § 73-5-4 (5).
3. If an Order forbidding the use of water is issued and is violated by the Respondent, the Division may commence an enforcement action in accordance with Utah Code Ann. § 73-2-25 (2008).
4. If determined to be in violation of an Order, the Respondent may be subject to administrative penalties in accordance with Utah Code Ann. § 73-2-26 (2005), including fines not to exceed \$5,000 per day for knowing violations or \$1,000 per day for unknowing violations and replacement of up to 200% of water diverted without right. In addition, the Respondent may be liable for expenses incurred by the Division in investigating and stopping the violation."

V. FURTHER INFORMATION

If the Respondent has any questions concerning this Notice, state laws and rules, or the required and recommended action, please discuss them with:

Ross Hansen
Regional Engineer
Weber River/Western Region
Utah Division of Water Rights
(435) 781-5327

Ben Anderson
Water Rights Distribution Engineer
Utah Division of Water Rights
(801) 538-7469

1594 W North Temple Ste 220
P.O. Box 166300
Salt Lake City, UT 84104-6300

Dated this 15th day of January, 2009

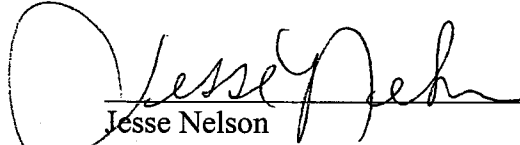


Ben L. Anderson, P.E.
Water Rights Distribution Engineer

CERTIFICATE OF MAILING

I, the undersigned, certify that on this 15th day of January, 2009, I mailed a copy of the foregoing Notice by regular U.S. Mail, delivery confirmation receipt requested, to the following:

**North Slaterville Irrigation Company
c/o Neil Saunders
2425 W Pioneer Rd
Ogden UT 84404**



Jesse Nelson
Division of Water Rights
Field Services Secretary